

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY  
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DATE FILED: 08/10/2023

DIVANNA ALTAGRACIA NUNEZ  
RODRIGUEZ-JIMENEZ MENCIA

Petitioner, : Civil Action: 1-23-cv-05571

vs. :

LUIS CLEY PORTES PAREDES :

Respondent. :

**VOLUNTARY RETURN ORDER DIRECTING RETURN OF MINOR CHILD  
TO HABITUAL RESIDENCE OF SWITZERLAND**

This Voluntary Return Order Directing Return of Minor Child to Habitual Residence of Switzerland is made pursuant to Article 7(c) of the 1980 Convention on the Civil Aspects of International Child Abduction (the “Hague Convention”), and the International Child Abduction Remedies Act (“ICARA”), 22 U.S.C. 9001 *et seq.*, and with the express consent and agreement of all parties, as evidenced by the signatures of the parties and counsel. It is therefore this 10 day of August, 2023, by the United States District Court for the Southern District of New York, hereby

**ORDERED:**

1. That by agreement of the parties, the minor child, K.L.P.P., born in Switzerland, age 6 (the “child”), shall be returned to her habitual residence of Switzerland under the conditions stated herein.

2. That by agreement of the parties, Luis Cley Portes Paredes (the “Father” and/or Respondent”) shall return the minor child to Switzerland, on August 31, 2023. The Father shall be obligated to purchase the ticket for minor child for her return to Geneva, Switzerland. The parties’ attorneys shall coordinate the return flight and time. To effectuate same, Divanna Altagracia Nunez

Rodriguez-Jimenez Mencia (the “mother” and/or “Petitioner”) shall have a relative and/or third party retrieve the child and accompany the child on her return flight to Switzerland. Respondent along with Petitioner shall choose the flight, time and airline and communicate same to Counsel so that child’s flight can be “booked.”

3. That by agreement of the parties, Father, will pay all reasonable and necessary travel expenses for the Child to return to Switzerland, including airline tickets.

4. That by agreement of the parties, pursuant to Article 1(b) and Article 21 of the Hague Convention, ICARA §5(a) (A2 USC 9004[a]), Father shall provide access to the Child to Petitioner by way of Skype, Facetime, telephone, or any other electronic means available between 7:00 p.m. and 7:30 p.m. until such time as the Child returns to Geneva, Switzerland. The Father is to initiate the call and connect the call to the Mother.

5. That by agreement of the parties, Father shall submit to Mother through counsel all new documents filed with the United States Citizens and Immigration Services (“USCIS”) and provide through counsel the login and password to the USCIS services. In the event “two-factor-authentication,” is required he shall cooperate with same.

6. That by agreement of the parties, Father shall submit to Mother within two calendar weeks any and all school records from the United States of America and obtain any additional documents that may be requested by Mother for purposes of enrollment in school in Switzerland.

7. That by agreement the parties acknowledge, they both acknowledge that the “Declaration of Joint Parental Responsibility” issued by the Court in Switzerland on November 6, 2018 is currently still in force and effect. The parties shall abide by all provisions in the agreement. Mother shall provide access to the Child to Respondent by way of Skype, Facetime, telephone, or any other electronic means available daily at 6:00 PM CET.

8. That by agreement of the parties, the Parties acknowledge there is an ongoing "Green Card" process and on the Child's return to Switzerland, Mother agrees to cooperate with any reasonable requests by Respondent to cooperate in the process from Switzerland including signing any necessary documents at the United States Embassy so long as it does not change, alter, amend, and/or nullify any of the provisions in the "Declaration of Joint Parental Responsibility" issued by the Court in Switzerland on November 6, 2018.

9. That by agreement of the parties, the passport(s) currently being held by the Court/Clerk's Office shall be released to Father/Respondent and Father/Respondent shall provide same to Mother's designated relative/third-party who will be traveling with the minor child back to Switzerland.

10. That by agreement of the parties, a violation of any provision of this Voluntary Return Order shall be deemed contempt of court and subject to the party to penalties.

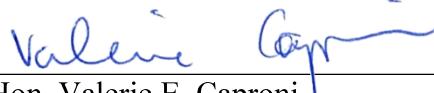
11. This is not a determination of the merits of any custody issues within the meaning of Article 19 of the Hague Convention. This Voluntary Return Order is made under the authority of 22 U.S.C. 9003(a), conferring original jurisdiction upon this Court, and under the authority of Article 7(c) of the Hague Convention.

DATED this 10 day of August, 2023.

According to paragraph 8, the Respondent has commenced the process to obtain K.L.P.P. a Green Card. Based on the information provided, the Court believes that K.L.P.P. may be entitled to U.S. citizenship without first obtaining a Green Card. See Acquisition of U.S. Citizenship at Birth by a Child Born Abroad, Travel.State.Gov, <https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/us-citizenship/Acquisition-US-Citizenship-Child-Born-Abroad.html> (last visited Aug. 10, 2023).

The Clerk of Court is respectfully directed to terminate all open motions, to CLOSE the case, and to lift the seal on the passport filed in this matter.

SO ORDERED



08/10/2023

Hon. Valerie E. Caproni  
United States District Judge  
Southern District of New York

APPROVED AS TO FORM  
AND CONTENT:



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08.10.23

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luis portes (Aug 10, 2023 12:19 EDT)

Luis Cley Portes Paredes  
*Respondent*



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Divanna Nuñez Rodríguez (Aug 10, 2023 18:26 GMT+2)

Divanna Altagracia Nunez Rodriguez-Jimenez Mencia  
*Petitioner*